REMARKS

The Examiner allowed claims 12-22. Applicants gratefully acknowledge the Examiner's indication of allowed subject matter.

The Examiner objected to claims 3-7 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants gratefully acknowledge the Examiner's indication of allowable subject matter. Accordingly, Applicants have amended claim 3 to include all of the limitations of claims 1 and 2. The amended claim 3 has also included the allowed features of claims 4-7 through use of a Markush group.

The Examiner rejected claims 1, 2, 8-11 under 35 U.S.C. §102(b) as allegedly being clearly anticipated by US 5,919,257 to Trostle.

Applicants respectfully traverse the §102 rejections with the following arguments.

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35 U.S.C. §102

The Examiner rejected claims 1, 2, 8-11 under 35 U.S.C. §102(b) as allegedly being clearly anticipated by US 5,919,257 to Trostle.

Applicants respectfully contend that Trostle does not anticipate claim 1, because Trostle does not teach each and every feature of claim 1.

As a first example of why Trostle does not teach each and every feature of claim 1, Trostle does not teach the feature: "taking a base action in response to detecting an intrusion; updating an action counter in response to taking the base action".

The Examiner argues that Trostle teaches the preceding feature of claim 1 in Trostle, lines 29-49. However, Trostle recites in col. 6, lines 29-30 (in conjunction with 92, 94, 96 of FIG. 5): "If the server determines that the proof is invalid, the server increments an intruder detection counter in step 96." What Trostle is disclosing, in light of steps 92, 94, 96 of FIG. 5 and the discussion thereof, is that if the user password is invalid (step 94), the intruder detection counter is incremented in step 96. Therefore, Trostle does not teach the "base action" in the preceding feature of claim 1. Rather, Trostle is teaching an intrusion relating to the user password being invalid, and updating the intruder detection counter in response to the intrusion (i.e., the user password being invalid). Trostle does not teach updating the intruder detection counter in response to a base action, because Trostle does not disclose a base action. Applicants respectfully contend the claim 1 includes both an intrusion and a base action.

As a second example of why Trostle does not teach each and every feature of claim 1,

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Trostle does not teach the feature: "updating an action variable when the value of the action counter meets the action threshold". Applicants respectfully contend that Trostle does not disclose an "action variable" that is updated when the value of the action counter meets the action threshold. Applicants respectfully request that the Examiner identify the "action variable" allegedly disclosed by Trostle.

As a third example of why Trostle does not teach each and every feature of claim 1, Trostle does not teach the feature: "checking a validity condition for satisfaction dependent upon the action variable". The Examiner argues that Trostle, col. 6, lines 43-52 teaches the preceding feature of claim 1. However, Applicants cannot find a validity condition and an action variable that the validity condition depends in Trostle, col. 6, lines 43-52. Applicants respectfully request that the Examiner identify the alleged validity condition and action variable that the validity condition depends on in Trostle, col. 6, lines 43-52.

As a fourth example of why Trostle does not teach each and every feature of claim 1, Trostle does not teach the feature: "invoking a provision associated with the validity condition when the validity condition is satisfied". The Examiner argues that Trostle, col. 6, lines 43-52 teaches the preceding feature of claim 1. However, Applicants do not know what the Examiner considers "invoking a provision" to be in Trostle, col. 6, lines 43-52. If the Examiner considers execution of the detection hashing function to satisfy the "invoking a provision" aspect of claim 1, then what is the validity condition associated with execution of the detection hashing function? Applicants respectfully request that the Examiner identify the invoked provision and its

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associated validity condition allegedly disclosed in Trostle, col. 6, lines 43-52.

Based on the preceding arguments, Applicants respectfully maintain that Trostle does not anticipate claim 1, and that claim 1 is in condition for allowance. Since claims 2 and 8-11 depend from claim 1, Applicants contend that claims 2 and 8-11 are likewise in condition for allowance.

In addition with respect to claims 2 and 8, the Examiner argues: "As per claims 2, 8, Trostle discloses where the provision changes an element of a base intrusion set (col. 6, lines 29-30)." However, claim 2 recites "wherein the provision changes an element of a base intrusion set", whereas claim 8 recites "wherein the provision changes an element of an action set". Applicants note however that Trostle col. 6, lines 29-30 recites: "If the server determines that the proof is invalid, the server increments an intruder detection counter in step 96", which the Examiner has previously alleged to satisfy the step in claim 1 of "updating an action variable when the value of the action counter meets the action threshold". Applicants contend that the Examiner has not taken into account that the base intrusion set, the action intrusion set, and the action variable are distinct aspects of claims 2 and 8 and are not disclosed by Trostle. In summary, Trostle col. 6, lines 29-30 does not recite the feature "wherein the provision changes an element of a base intrusion set" of claim 2 and the feature "wherein the provision changes an element of an action set" of claim 8. If the Examiner views Trostle col. 6, lines 29-30 as disclosing the preceding features of claims 2 and 8, then Applicants respectfully request that the Examiner identify the "provision", the "element of a base intrusion set", and the "element of an

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action set" in Trostle col. 6, lines 29-30.

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CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account No. 09-0457.

Date: 01/19/2005

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